

Development Assessment REPORT DA 118/2020

Application Summary

Application No:	118/2020
Title Details:	Lot 14 Sec 1 DP 758606 and Lot 46 DP 1262897
Address:	104-118 Pine Avenue, Leeton
Applicant:	Leeton Shire Council
Date Application Received:	3 December, 2020
Owner:	Leeton Shire Council
Site Area:	921.3 m ²
Zoning:	B3 Commercial Core
Existing Use:	Theatre
Proposed Development:	Alterations and Additions to the Roxy Theatre and Sharp's buildings; Advertising Signage and consolidation.

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Executive Summary

Leeton Shire Council is the owner of the Roxy Theatre and is also the applicant for this DA. Council has hired Ian Sinclair of Edge Land Planning to carry out an independent assessment of this application. Council specifically outsourced the assessment of this application to address any perceived conflict of interest.

The applicant is seeking development consent for alterations and additions to the Roxy Theatre and the adjacent Sharp's Building to form an upgraded community facility. The upgraded facility will be used for a wide variety of theatre productions, music and dance performances, competitions, cinema viewings, civic ceremonies, conferences, wedding receptions and the like.

The development proposal includes the change of use to a Community Facility as defined under the provisions of Leeton LEP 2014. This will enable the theatre to be used

for a wide range of community related uses. The theatre has been operated as a community facility since the Council took over ownership of the premises in 1977 and it is used for a variety of community events and activities. It is proposed to undertake alterations and additions to the existing Roxy Community Theatre to allow continued use of the upgraded building as a Community Facility. The adjoining Sharp's building has been used in the past as a food and drink premises in the downstairs floor space and residential accommodation (shop top house) on the first floor. It is proposed to cease all food and drink and residential accommodation uses conducted within the Sharp's building and undertake alterations and additions to the existing building for use as a Community Facility in conjunction with the Roxy Theatre. The two buildings are currently on separate lots and it is proposed to consolidate them into the one lot.

As part of the Development Application, a Statement of Heritage Impact and Conservation Management Plan has been prepared by Stapleton Lucas Stapleton Johnson and Historic Archaeological Assessment has been prepared by OzArk Environment and Heritage.

The site is located in the Central Business District and occupies a prominent site on the corner of Pine and Wade Avenues. It has been operating as a theatre since it was opened about 90 years ago. The surrounding uses are commercial.

The land is zoned as Commercial Core under the provisions of Leeton LEP 2014. Roxy Theatre is listed as a State Heritage Item and Sharp's building is a local heritage item and both are in the Leeton Heritage Conservation Area.

The Roxy Theatre is a State Heritage Item and as such this is an integrated DA. General Terms of Approval have been issued by Heritage NSW.

Based on the Section 4.15 assessment detailed in this report, the development application is recommended for approval subject to the conditions provided in draft format for the consideration of the Western Regional Planning Panel.

1. INTRODUCTION

1.1. Scope of this report

This report has been prepared to provide an overview of the proposal and the statutory assessment procedure used during the processing of the development application. As assessment of the key issues of the development is then provided.

Leeton Shire Council is the owner of the Roxy Theatre and is also the applicant for this DA. Council has hired Ian Sinclair of Edge Land Planning to carry out an independent assessment of this application. Council specifically outsourced the assessment of this application to address any perceived conflict of interest.

1.2. The Development

The applicant is seeking development consent for alterations and additions to the Roxy Theatre and Sharp's Building to form an upgraded community facility. The upgraded facility will be used for a wide variety of theatre productions, music and dance performances, competitions, cinema viewings, civic ceremonies, conferences, wedding receptions and the like.

Specifically, the proposal includes the change of use to a Community Facility as defined under the provisions of Leeton LEP 2014. The Roxy Community Theatre has operated as a Community Facility since Leeton Shire Council took ownership of the premises in 1977. The theatre is currently used for a variety of community events and activities. It is proposed to undertake alterations and additions to the existing Roxy Community Theatre to allow continued use of the upgraded building as a Community Facility. The adjoining Sharp's building has been used in the past as a food and drink premises in the downstairs floor space and residential accommodation (shop top house) on the first floor. It is proposed to cease all food and drink and residential accommodation uses conducted within the Sharp's building and undertake alterations and additions to the existing building for use as a Community Facility.

The two buildings are currently on separate lots and it is proposed to consolidate them into the one lot.

The proposal involves alterations and additions to both the Roxy Theatre and Sharp's Building. The details of these are set out in the following table which has been extracted from the Statement of Environmental Effects prepared by Active Planning Consultants. The plan showing the location of each of the proposals is shown as figure 1 for the lower level figure 2 for the upper level and figure 3 for the stage curtain detail.

Table 1: Roxy Theatre – Description of Proposed Works

Roxy Community Theatre Redevelopment	
Location No.	Description of Proposed Works
Lower Level	
A.	<p>Remove existing suspended plasterboard ceiling and replace with new suspended plasterboard ceiling.</p> <p>Remove later addition partition wall.</p> <p>Raise timber floor level by 75mm to match existing foyer terrazzo level and install short transition ramp up to meet newly available Auditorium flat floor level in area 'E'.</p> <p>New timber framed and plywood floor - resilient floor finish. Raised floor required for disabled access.</p>
B.	<p>Create a new opening in the Roxy west wall (Space 5) and the adjacent portion of the east wall of the Sharpe's Building (Roxy 2- Space G01) to interconnect the ground floors of both buildings.</p> <p>Connection created to provide single ticketing and bar function for both Roxy and Roxy 2 theatres.</p> <p>Opening created in existing brick wall. Plaster encased steel lintel installed over opening.</p> <p>Reveals - rendered painted, hard plaster to match existing.</p> <p>Install new bar and Box office joinery bridging between both sides of the adjoining spaces.</p> <p>Install new lighting to both spaces.</p> <p>Front of bar joinery of timber veneer panelling and solid timber server shelf. Stainless steel working surface and refrigeration behind bar.</p>
C.	<p>Adjust existing door opening in the (north) wall to Space 7 to accommodate new front of house lift doors and create grade access to lift.</p> <p>Encased steel lintel to new opening with hard plaster wall finish into lift door recess. Lift doors in finished stainless steel with clear finish timber door surround.</p> <p>New provision for disabled access to balcony and adjacent management office space.</p>

D.	<p>Remove floor, wall linings, plumbing fittings and ceiling from non-original disabled toilet.</p> <p>Wall finish - to match Auditorium plaster render.</p> <p>Floor finish - may be renewed to match Auditorium existing timber floor (T&G floorboards with clear finish).</p> <p>Repair any damage to original pressed metal ceiling caused by previous installation of false ceiling.</p> <p>This area to be included in new entry landing, and level transition to flat floor auditorium level.</p>
E.	<p>Remove plumbing fittings, create new openings in north and south wall and lower floor level to match same level as existing auditorium flat floor level.</p> <p>Wall finish - to match Auditorium plaster render.</p> <p>Floor finish - to match Auditorium existing timber floor (T&G floorboards with clear finish).</p> <p>Retained wall will maintain symmetry with office in same position on opposite side of entry level.</p>
Note	<p>The existing entry door to the supper room (Space 8) from the foyer (Space 1) will be widened and relocated to provide disabled access. The existing entry door to the supper room from the foyer will be re-used to provide level access to the foyer. The existing door linking the supper room to the auditorium will be fitted with new compliant stairs.</p>
F.	<p>Remove section of raking floor and existing seating at the rear of the Auditorium to allowing for expanded flat floor to provide location for new, mobile, retractable seating.</p> <p>New timber flooring to match existing auditorium.</p> <p>Strengthen floor framing under area to be occupied by mobile seating.</p> <p>Repair and replace existing worn T&G timber flooring in remainder the auditorium. Floor finish to match auditorium existing timber floor: T&G floorboards with clear finish.</p> <p>Auditorium flat floor extended to rear stalls to maximise flexibility for community functions. Single raised platform at entry end of auditorium to be constructed. Platform will be part of flat floor function use. Replacement of existing seating by retractable seating to provide enhanced sight lines and intimacy for live theatre performance. Refer Design Statement.</p> <p>Express line of original raking floor on wall surface, remove quad mould and replace with new timber mould to detail and apply flat infill surface between new mould and flat floor. Fit timber mould at line of existing plaster and lay back vinyl skirting on cement sheet over exposed wall surface below new moulding. New moulding to be proud of wall and skirting surfaces.</p>

G.	<p>Create new opening in wall for access to new parking bay to allow mobile seating system to be removed from auditorium. Placement of opening determined by existing exposed balcony support brackets.</p> <p>Opening created in existing plaster rendered brick wall. Encased steel lintel to opening with hard plaster surround to match existing. Height of opening determined by height of mobile seating units, nominal 2700 AFFL.</p> <p>Reveals - to match existing openings.</p> <p>Doors - solid core, painted timber with mouldings to detail.</p> <p>Mobile seating Storage Bay to store seating 'trucks' when Auditorium to be used in full flat floor mode.</p>
H.	<p>Create new opening for kitchen service. Opening created in existing plaster rendered brick wall. Encased steel lintel to opening with hard plaster to surrounds to match existing.</p> <p>Reveals - to match existing openings.</p> <p>Door - solid core, painted timber with vision window.</p> <p>Provides ready access to auditorium when used in flat floor mode with catering.</p> <p>Opening required to provide second door for kitchen operation.</p> <p>Serving and return of plates requires separate doors.</p>
I.	<p>Replace existing non-compliant escape doors within existing opening. Reveals- refurbished existing opening.</p> <p>Doors - solid core, painted timber with vision window.</p> <p>Door replacement required for disabled access and kitchen service.</p>
J.	<p>Remove concrete stair flight and electrical switch room at base of stair to create new electrical services location at stage level in back of house.</p> <p>Opening created in external west wall for access to new switchboard.</p> <p>Wall infill finish at auditorium level (under stair access) to match stage walls. Opening to original external wall limited to width and height required for new switchboard - nominal 3000 (W) x 2100 (H).</p> <p>Floor finish to new switch room - resilient over concrete.</p> <p>Escape stair no longer required - reallocation of space occupied by stair serves better functional purpose.</p>

K.	<p>Remove existing west wall of stage and repair stage surface where wall removed.</p> <p>Existing wall removed to height of 3 meters to create extended wing space. Fire rated steel lintel installed to support upper wall.</p> <p>New stage floor finish to whole of the stage – timber boards with 6mm thick sacrificial lining painted black.</p> <p>New stage floor finish required to match standard and functionality of contemporary theatres.</p> <p>Additional wing space increases flexibility of use of stage.</p>
L.	<p>Remove access stairs to either side of stage extension to facilitate good quality, even and free from trip hazard working area. New access to be provided.</p> <p>New timber sub-frame lined with plywood and sacrificial top layer.</p> <p>Custom designed replacement stairs to be housed under either end of stage extension. Return air registers to be installed in stage apron.</p> <p>Unsatisfactory surface for performance and access at front of stage will be rectified by this change.</p>
M.	<p>Existing escape doors to be replaced with high performance acoustic doors within existing opening (Note: sound lock originally proposed for this location no longer being pursued).</p> <p>New doors to be solid core timber with acoustic seals. Appearance to match existing. Panic bars to be fitted internally.</p> <p>Existing doors provide minimal acoustic isolation from intrusive external noise.</p>
N	<p>Remove raised floor and steps to match stage level.</p> <p>Lower and widen existing external wall brick work opening to ground level in Roxy Lane to facilitate recessed loading dock mechanism.</p> <p>Original sliding single layer door to stage to be fixed in open position and replaced with fire rated, acoustic door between stage and loading bay.</p> <p>New lowered floor finish – concrete with sealer to match level of remaining timber floor at Stage level.</p> <p>New loading dock swing doors from inside – solid core painted timber.</p> <p>External 'tail-gate' style lift to outside of building in painted, sheet metal finish to fit within existing width of brick opening fronting Roxy Lane.</p> <p>Removal of current ineffective split-level loading dock with new lift access from rear lane direct to stage will optimise ease of use and remove impediments to staging certain events.</p>
O	<p>Remove part concrete floor to create single level cross stage link and enclosed openings in either side of central projecting brick bay.</p> <p>Painted existing brick work internally.</p> <p>Cross stage link essential for operating the theatre. Locating this position is an effective use of existing space.</p>

P	<p>South west corner: This facility provides new back of house facilities for theatre operations over 2 levels. It includes lift, air-conditioning plant deck above roof containing plant equipment and new external supply ductwork and new roof penetrations.</p> <p>External finishes:</p> <ul style="list-style-type: none"> • Walls – concrete block work. • Plant room screening. – aluminium grating. Roof – Zincalume roof decking. <p>Interior finishes:</p> <ul style="list-style-type: none"> • Dressing Rooms – painted blockwork walls and ceilings. Resilient flooring. • Toilets/Showers – wet area PB to upper walls and ceilings. Ceramic tiles to floors & walls (up to door height). • Lift finishes – stainless steel. <p>Extension enables new back of house facilities to support all types of performance including access for both able and disabled performers and staff.</p>
Sub Stage	
Q	<p>Fire Hydrant cupboard originally proposed for this location relocated to SW Corner, outside heritage sensitive building envelope. See Item P above.</p>
R	<p>Removal of original sanitary fittings in compartment below original loading bay and removal of narrow timber stair from existing loading bay level to ground. Bitumen painted wall urinal will be no longer be accessible.</p> <p>Steep timber ladder/stair to be carefully removed and displayed in loading dock area.</p>
Upper Level	
AA	<p>Remove '80s toilets, insert new passenger lift to access balcony cross aisle. Lift finishes (door & surround) - finished stainless steel.</p> <p>Enlarge opening from former toilet area to provide wide opening to balcony aisle Lift Lobby floor finish - carpet to match existing balcony.</p> <p>Lobby walls – painted plasterboard.</p> <p>Currently no disabled access to balcony seating. New door for acoustic isolation and disabled access.</p>

BB	<p>Reconfigure seating to meet regulations and provide wheelchair places.</p> <p>Mixture of seating installed in Roxy over years has introduced non-compliant aisle widths and spacings.</p> <p>Parts of the top-level balustrade will be partly demolished to allow fitting of additional balustrade elements to achieve compliant balustrade height.</p> <p>The top level balustrade will be altered to fit additional balustrade elements to achieve compliant height balustrade in accordance with BCA – NSW Appendix – Special Use Buildings - Section H101.14.2 - Balconies and Boxes.</p>
CC	<p>Remove '80s male toilets and construct new laundry, tea point and storage area on outside of auditorium west wall.</p> <p>Walls - painted plasterboard.</p> <p>Ceiling - suspended plasterboard.</p> <p>Floor finish carpet.</p>
DD	<p>Remove 1980s toilet door opening and frame and reinstate auditorium wall to match surrounding wall</p> <p>Walls - painted brickwork</p> <p>New ceiling - plasterboard on reused timber frame Floor finish - carpet on concrete.</p> <p>Non-contributory internal alteration to historic building</p>
EE	<p>Remove existing concrete stair flight of existing escape stair, build new floor in stair well and convert to new costume store area.</p> <p>Walls painted brick work</p> <p>Floor resilient flooring over infill timber floor Ceiling - painted plasterboard</p> <p>Escape stair no longer required; reallocation of space occupied by stair serves better functional purpose.</p> <p>Opening in existing west wall limited door height and width to provide satisfactory access to costumes.</p>

FF	<p>New lighting store above expanded stage wing.</p> <p>Walls internal - painted plasterboard.</p> <p>Walls external - proprietary cement Sheet.</p> <p>Floor - resilient over concrete.</p> <p>Ceiling - painted plasterboard.</p> <p>Supplies storage to back of house.</p>
GG	<p>New structural support for roofing and proscenium.</p> <p>New steel truss over the proscenium and new rigging beams installed above the stage - painted finish.</p> <p>Additional lighting bars and stage rigging for performance require upgrade of structure over the stage.</p>
HH	<p>New interpretive top lintel to proscenium arch.</p> <p>Light steel frame and decorative plaster facings.</p> <p>Interpretive installation based on historic hand coloured photograph of the original proscenium.</p>
II	<p>New internal infill treatment to window openings, existing steel frames retained externally.</p> <p>Acoustic insulation with multi-layer plasterboard finish to inside. External appearance to remain.</p> <p>Cosmetic treatment from the inside in painted aluminium framing or cover straps over plasterboard to replicate existing internal appearance.</p> <p>Current sheet metal clad windows have serious leakage of air and sound into the auditorium.</p> <p>Require both thermal and acoustic treatment.</p>

JJ	<p>Remove non-compliant row of seats backing onto projection booth and construct new audio-visual control desk on upper row.</p> <p>Timber framed and plywood lined desk.</p> <p>Desktop linoleum for working surface.</p> <p>Essential control position for live performance.</p>
KK	<p>New external housing accommodating link from existing upper level of adjacent Roxy 2 'shop top' to new back of house facility and new back of house amenities.</p> <p>Walls - painted plasterboard.</p> <p>Walls external - proprietary cement sheet.</p> <p>Floor - resilient over concrete.</p> <p>Ceiling - painted plasterboard.</p> <p>This new link activates the upper level of Roxy 2 by connecting it to new facilities at back of house. It is also connected by front of house lift.</p>
LL	<p>New roof over previously open area.</p> <p>Galvanised finish to match existing.</p> <p>New wall below to match existing brick walls.</p> <p>Previously unenclosed area requires waterproof all-weather connection over new backstage corridor.</p>
Stage Curtain	<p>A smoke curtain will be connected to the stage ceiling behind the existing curtain shroud, below the new proscenium arch, in accordance with relevant standards.</p>
Roof	<p>A new corrugated galvanized iron roof will be installed over the entire roof, with appropriate profile guttering and downpipes that match the original building fabric and comply with AS 1562.1 Design and Installation of Roof sheeting and Wall Cladding and AS/NZS 2179 Specification of Rainwater Goods, Accessories & Fasteners and AS/NZS 4389 Safety Mesh.</p>



Figure 1: Plan of Proposed Works – Ground Level

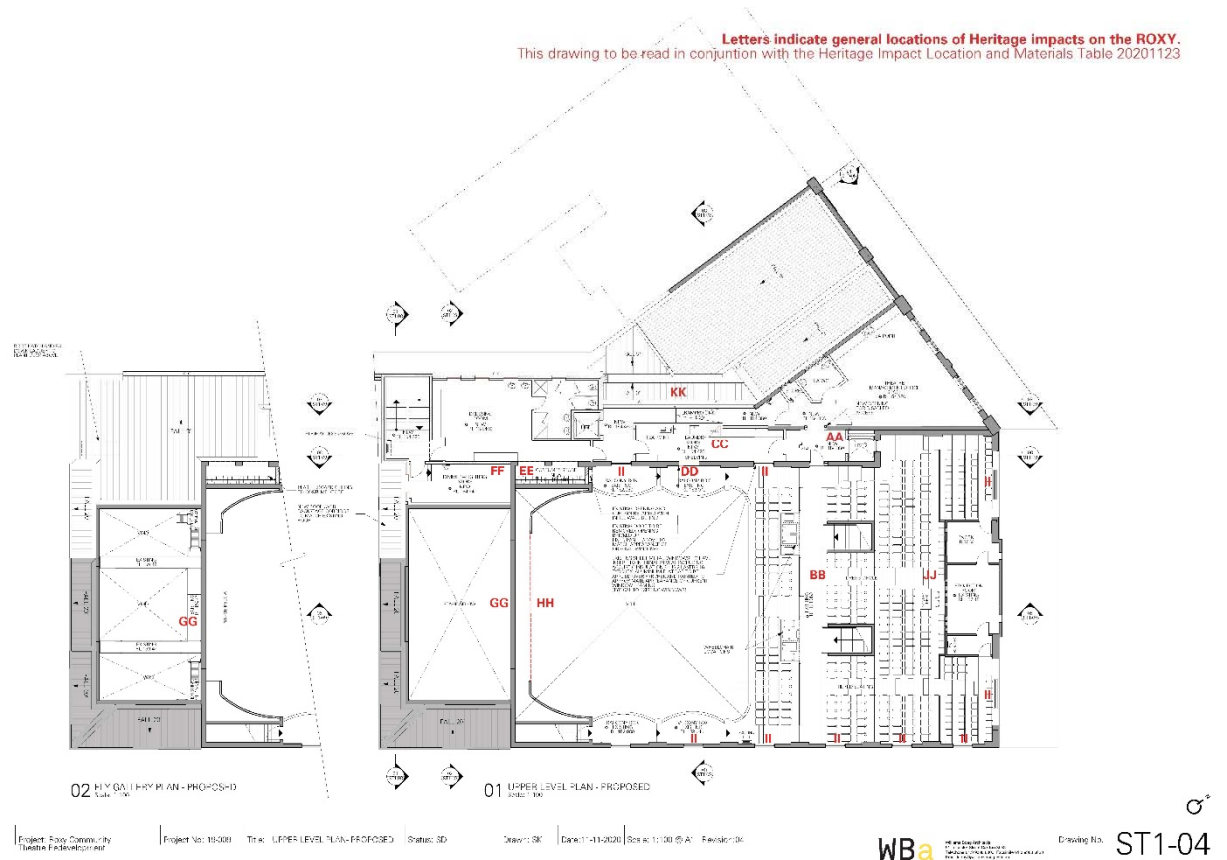


Figure 2: Plan of Proposed Works – Upper Level

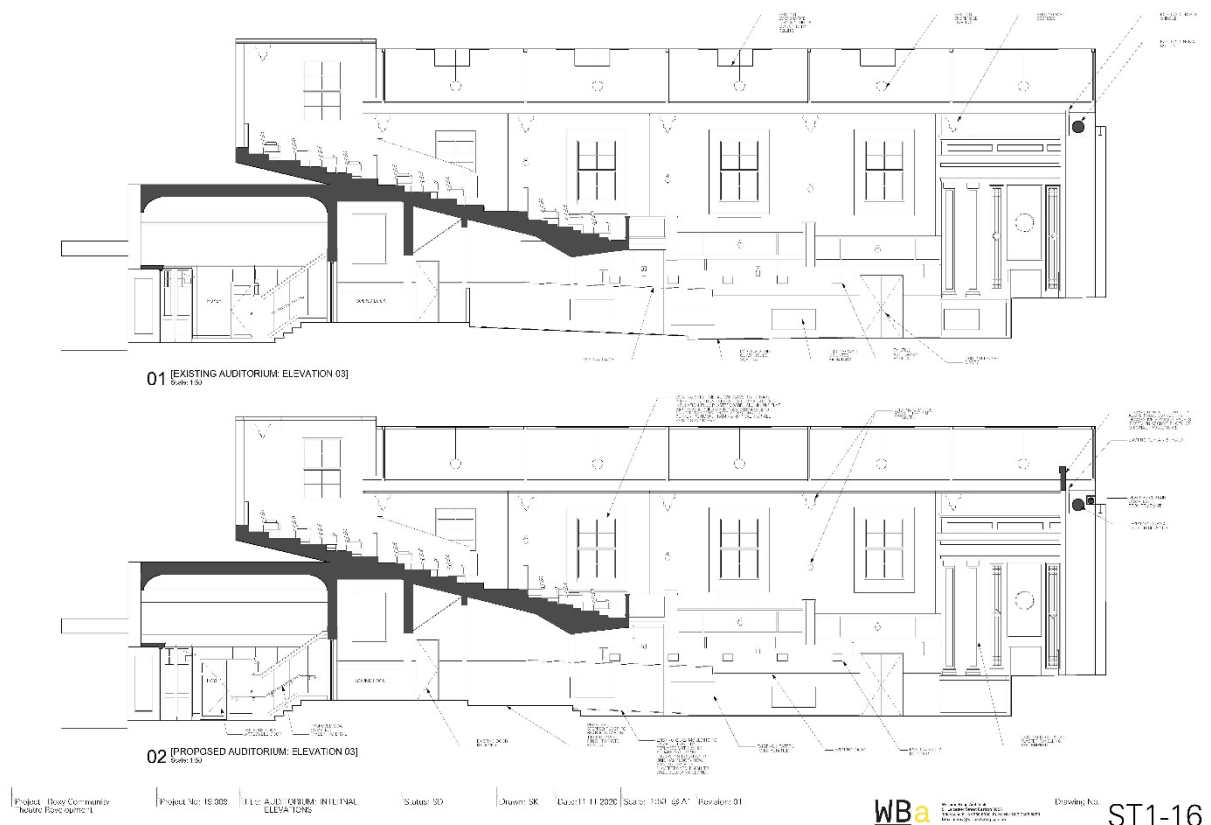


Figure 3: Plan of Proposed Works – Stage Curtain

Table 2: Sharp's Building – Description of Proposed Works

Location No.	Description of Proposed Works
Lower Level	<p>Insert new opening in east wall of Space G01 to connect with Space 5 and Space 7 of the Roxy Theatre.</p> <p>Demolition of south wall of No. 112 Pine Avenue and demolition of south elevation walls and all internal walls to Nos. 108 and 110 Pine Avenue.</p> <p>Demolition of existing timber access stair to rear of Nos. 110 and 112 Pine Avenue.</p> <p>Demolition of privy to rear of No. 108 Pine Avenue.</p> <p>Adaptation of No. 112 Pine Avenue as new foyer café bar for the Roxy Theatre.</p> <p>Extend No. 112 Pine Avenue to the south, connecting with proposed western extension works to the Roxy Theatre, including toilets, mobile seating parking bay and kitchen.</p> <p>Convert Nos. 108 and 110 Pine Avenue to second cinema with adjacent toilets, back of house services and wheelchair platform lift.</p> <p>Extend Nos. 108 and 110 Pine Avenue to the south to accommodate back ofhouse services.</p> <p>Demolish existing ceilings with skylights to Nos. 108 and 110 Pine Avenue to accommodate new cinema and construct new ceiling at higher level.</p> <p>Re-roof Nos. 108 and 110 Pine Avenue with corrugated metal sheeting.</p>
Upper Level	<p>Extend No. 112 Pine Avenue to the south with new covered link to proposed western extension works to the Roxy Theatre.</p> <p>Demolish all internal walls to upper level flat at No. 112 Pine Avenue.</p> <p>Insert new opening in east wall of Space F01 to connect with Space 20 of theRoxy Theatre.</p> <p>Convert upper level flat for use as office, store and WC.</p>

As part of the Development Application, a Statement of Heritage Impact and Conservation Management Plan has been prepared by Stapleton Lucas Stapleton Johnson and Historic Archaeological Assessment has been prepared by OzArk Environment and Heritage.

It is proposed to carry out some minor excavation associated with the works on the Roxy Theatre. They include the following:

- footings of the new western and south addition;
- additional footings to support the new floor; and mobile retractable seating within the auditorium of the theatre building.

Signage is proposed as follows:

- The 3 x 'Roxy' signs located on top of the theatre building facing north, east and west are to be retained / refurbished as part of the redevelopment proposal. The neon signage and 'show time' display signage on the external walls of the theatre building will also be retained / refurbished. No new advertising signage is proposed on the external façade of the theatre building.
- A number of small signs will be installed inside the theatre building to provide information about the Community Facility and other services, including the display disability friendly information.
- New signage will be attached / painted on the front metal awning of the Sharp's building. The existing under-awning *Coco-Cola* sign will be retained. No other outdoor advertising signage will be displayed on this building

Loading, Parking and Traffic Arrangements are as follows:

- All loading and unloading arrangements for the Roxy Community Theatre are currently undertaken from Roxy Lane and / or Wade Avenue. There is a formal loading zone within Wade Avenue but not Roxy Lane, which is one way exiting onto Wade Avenue. Proposed new loading and unloading arrangements will be from a new loading zone proposed within Roxy Lane. The existing elevated loading doors are to be replaced with a new hydraulic loading bay system to facilitate loading of equipment into the backstage and stage areas of the theatre. This will involve the platform being lowered into the laneway.
- A new disabled car parking space is proposed to be sign-posted in Pine Avenue, next to the blister return in front of the Sharp's building. Tactile Ground Surface Indicators (TGSi) are proposed to be installed within the footpath around at the south-western side of the Roundabout Intersection of Pine and Wade Avenue to assist people with vision impairment to navigate this important intersection and access the Roxy Community Theatre.
- Car parking for the Roxy Community Theatre will continue to be provided by Leeton Shire Council via a mix of on-street parking spaces and off-street public car parks. Adequate parking will be available for the Roxy Community Theatre and other local businesses during all peak operating scenarios.

Landscaping is to be done in association with a major upgrade currently underway in Wade Avenue, which include works at the intersection of Pine and Wade Avenues.

The two lots which comprise the two buildings are to be consolidated to achieve the appropriate fire rating compliance pursuant to the Building Code of Australia. A plan of consolidating has been prepared by CMS Surveyors dated 27 July 2020.

The main activities to be carried out in the community facility are as follows:

- Theatre,
- Cinema,
- Community events space,
- Functions and events

The Cinema will have two screens as follows:

- The main screen will be in the main auditorium space as it currently is operated
- The second screen will be included in a new 48 seat theatre located in the north west corner of the current Sharp's Building.

The proposed hours of operation are as follows:

- Monday to Saturday: 7am – 12pm
- Sunday: 10am – 10pm

It is proposed to carry out the development in two stages as follows, which is subject to the project funding and it is likely to incorporate the following:

- **Stage 1** - demolition and construction works at both the Roxy Community Theatre and Sharp's building, with the purpose of consolidating the two buildings into one larger building and affecting all of the upgrades required to the achieve upgraded seating, change room and toilet facilities, new stage and auditorium flooring, improved performer access in and around stage, disability access throughout the public areas of the Roxy, upgraded loading facilities, new air-conditioning system, new stage lighting and sound systems, replacement of roof sheeting with new galvanised corrugated iron sheeting and general refurbishment of external and internal surfaces. Consolidation of Lots 14 and 46 DP 758606 would also be undertaken in this stage. Limited works would be carried out to the Sharp's building in order to affect the upgrades to the Roxy Community Theatre.
- **Stage 2** - involves completion of all outstanding works as proposed, including barroom and purpose-built cinema.

1.3. Site description and surrounding land use and development context

The subject site forms part of the Central Business District of Leeton and The Roxy Theatre was constructed in 1926 and the Sharp's building was constructed in 1931. Both buildings were the first buildings to be constructed on the site.

The site is located at the centre of the CBD of Leeton and occupies a prominent site on the corner of Pine and Wade Avenues.

The Roxy Theatre has been operating as a theatre since it was opened and Sharp's building has been a shop since it was constructed.

The uses surrounding the site are commercial.

Figure 4 shows the location of the site in relation to the Leeton CBD.



Figure 1 Location of Subject Land

The site is zoned B3 Commercial Core under the provisions of Leeton LEP. The zoning of the site and surrounding land is shown on figure 5.



Figure 5: Zoning of the Site

Both buildings are also located in the Leeton Heritage Conservation Area as well as being Items of Environmental Heritage.

Both buildings are subject to the height of buildings provisions of clause 4.3 of the LEP and have a maximum height of 11.5m

2. STATUTORY DEVELOPMENT ASSESSMENT FRAMEWORK

2.1. Legislation

Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The provisions of the Environment Protection and Biodiversity Conservation (EPBC) Act only relates to proposed actions which have the potential to significantly impact on Matters of National Environmental Significance or the environment or Commonwealth owned land.

There are no matters of National Matters of Environmental Significance within the Shire and the Roxy Theatre nor the Sharp's building are not listed as a National Heritage Place. There is not proposed to be any impact on flora and fauna as part of the development.

As a result, there will not be any impact on matters referenced in the EPBC Act and so there is not any need for any assessment to be carried out.

Environmental Planning and Assessment Act 1979

Approval to undertake development in NSW is governed by the Environmental Planning and Assessment Act 1979 (EP&A Act). As identified in Clause 2.2 of Leeton Local Environmental Plan 2014re, the subject land is zoned B3 Commercial Core under the provisions of Leeton Local Environmental Plan 2014.

Community Facilities are permitted with development consent within this zone. As a result, development consent under Part 4 of the EP&A Act will be required.

The proposal is integrated development. General terms of approval were requested and received from the relevant approval agency being the NSW Office of Heritage.

In accordance with the provisions of the EP&A Act and Regulations, the development was publicly exhibited from 11 December, 2020 TO 1 February 2021. No public submissions were received.

Heritage Act, 1977

The Heritage Act makes provision for the listing of items of State Heritage on the State Heritage Register. It also states that any development of that item requires the approval under that Act.

In addition, section 4.46 states that any development that requires consent under the heritage act is also integrated development. The application was referred to the Heritage Office for its concurrence. This was granted and the General Terms of Approval have been issued and are attached to this report.

3. SECTION 4.15 ASSESSMENT

3.1. (a)(i) Environmental Planning Instruments

3.1.1. Leeton Local Environmental Plan 2014

The site is located within the B3 Commercial Core Zone. The development is defined as 'Community Facility' and is a development permitted with consent.

A Community Facility is defined as follows:

community facility means a building or place—
(a) owned or controlled by a public authority or non-profit community organisation, and
(b) used for the physical, social, cultural or intellectual development or welfare of the community,
but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The following provisions of the LEP apply:

- Clause 1.2: Aims of Plan
- Clause 2.3: Zone objectives and land use table
- Clause 2.3 subclause 1: land use table
- Clause 4.3: Height of Buildings
- Clause 5.10 Heritage Conservation

Clause of LEP	Comments
Clause 1.2 Aims of Plan (1) This Plan aims to make local environmental planning provisions for land in Leeton in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.	
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	The Proposal complies
(a) to encourage sustainable economic growth and development,	The Proposal complies
(b) to preserve rural land for all forms of primary production,	Not Applicable
(c) to identify, protect, conserve and enhance Leeton's natural assets,	Not Applicable
(d) to identify and protect Leeton's built and cultural heritage assets for future generations,	The Proposal complies

(e) to allow for the equitable provision of social services and facilities for the community,	The Proposal complies
(f) to provide housing choices for the community,	Not Applicable
(g) to minimise land use conflicts and adverse environmental impacts,	Not Applicable
(h) to promote ecologically sustainable development.	The Proposal complies
Clause 2.3 Zone objectives and Land Use Tables	
The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	The development has been assessed in accordance with the B3 Commercial Core zoning. The assessment considers that the development is consistent with the B3 Commercial Core zone objectives.
Clause 2.3 subclause 1 objectives of zone Objectives are as follows:	
<i>To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community</i>	The proposal provides for entertainment and community uses which will serve the needs of the local and wider community.
<i>To encourage appropriate employment opportunities in accessible locations.</i>	The proposal encourages employment opportunities in the CBD which is accessible to the community.
<i>To maximise public transport patronage and encourage walking and cycling.</i>	The community facility is in the CBD and is central to the town of Leeton and is also accessible by public transport, walking and cycling.
To provide residential housing if adequate amenity will be provided for residents and the land will not be required for commercial or retail use	Not Applicable.
Clause 4.3 Height of Building	
(1) The objectives of this clause are as follows— (a) to limit the height of buildings, (b) to promote development that is compatible with the height of surrounding development and conforms to and reflects natural landforms by stepping development on sloping land to follow the natural gradient, (c) to promote the retention and, if appropriate, sharing of existing views,	The building was constructed in 1926 and as such was in existence when the height of buildings clause was introduced in LEP 2014. The proposal does not include any increase in the existing height of the building. It is proposed to demolish the existing evaporative cooling infrastructure which currently extends above the roofline and this will reinstate the roof to have no protrusions.

<p>(d) to maintain solar access to new and existing dwellings and public places and to promote solar access to new buildings,</p> <p>(e) to maintain privacy for residents of existing dwellings and promote privacy for residents of new buildings.</p> <p>The height of any building should not exceed the height of 11.5m</p>	
Clause 5.10 Heritage Conservation	
<p>The objectives of this clause are as follows:</p> <p>(a) to conserve the environmental heritage of Leeton,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The Roxy Theatre is an Item of State Heritage Significance and the Sharp's Building is an Item of Local Significance. The proposal conserves the heritage significance of both buildings.</p> <p>There is the potential for some archaeological significance with the use of the buildings since they have been constructed and a Historic Archaeological Assessment has been prepared by OzArk Environment and Heritage. This found that the study area has low archaeological potential as the Roxy Community Theatre and Sharp's Building were the first buildings constructed at the site; there have been few modifications to the buildings and the flooring present does not allow for substantial deposits to accumulate within underfloor cavities. Based on this, it is considered unlikely that any potential deposits will contain archaeological remains of significant research value.</p>
<p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>The Council has considered the effect of the proposed development on the heritage significance of the item and has required the applicant to prepare a Statement of Heritage Impact. This document found that the proposal, minimises, as far as practical, the impacts on the significant fabric of the Roxy Theatre.</p>

3.2 State Environmental Planning Policies (SEPPs)

There are no relevant SEPPs that have an impact on this DA

3.2. 1(a) (ii) Draft Environmental Planning Instruments

There are no draft Environmental Planning Instruments to be considered in this assessment.

3.3. Any development control plan

Leeton Shire Council does not currently have a Development Control Plan (DCP).

3.4. The Likely Impacts of the development

This proposal is for mostly internal alterations and additions to The Roxy Theatre which is a State Listed Heritage Item and the Sharp's Building which is a Local Heritage Item. There are no significant alterations to the front façade of both buildings. The Statement of Heritage Impact and the Heritage Conservation Plan prepared by Stapleton Lucas and Partners has found that there is to be minimal impact on the front façade of both buildings. In addition, a Historic Archaeological Assessment has been prepared by OzArk Environment and Heritage. This found that the study area has low archaeological potential as the Roxy Community Theatre and Sharp's Building were the first buildings constructed at the site; there have been few modifications to the buildings and the flooring present does not allow for substantial deposits to accumulate within underfloor cavities. Based on this, it is considered unlikely that any potential deposits will contain archaeological remains of significant research value.

There are some alterations to the rear façade of the Roxy Theatre which are as follows:

- the removal of the existing loading dock doors and lowering this to the level of the stage and the addition of a loading platform which will not intrude beyond the building façade;
- Removal of parts of the rear façade and replacing it with new face brickwork to match the existing brickwork;
- Additions to the rear of Sharp's building which will include a new wall which will be in line with the existing wall of the Roxy Theatre. This will be constructed of concrete blockwork.

These additions are considered to have minimal impact on the heritage significance of both buildings because they are at the rear and only will be visible from the rear lane which also has the rear of other buildings along it and is not very visually appealing.

Overall. It is considered that proposal will not have any significant impacts on the front facades of both buildings and the impact on the rear façade of the Roxy Theatre and Sharp's Building is considered to be satisfactory, having regard to the existing rear facades.

It is proposed to make some changes to the internal spaces of both buildings. These too have been assessed by Stapleton Lucas and Partners and have been found to be satisfactory. Therefore, it is considered that the impact of the works to the interiors of both buildings are satisfactory.

3.5. The Suitability of the Site

The site is in the middle of the CBD of Leeton and it is suitable for the use of the land as a community facility.

Parking and traffic impacts are considered to be satisfactory.

It is noted, however, that it is proposed to alter the rear loading bay to include a lift which will extend over the rear laneway. The laneway is one way entering onto Wade Avenue and in order to gain access to the loading dock, the truck will either have to block the footpath or enter the laneway from Wade Avenue, effectively going against the one way system. Both of these movements are not permissible under the provisions of the relevant Traffic Act. This matter requires further discussion and consideration by Council's Traffic Committee and a condition of consent is recommended that will require all loading and unloading to occur via the existing loading zone in Wade Avenue. A separate application will have to be lodged with Council once the loading and unloading matter has been discussed with and approved by the Local Traffic Committee.

The matter is being discussed with Council's traffic engineers and is likely to be reported to a forthcoming Traffic Committee Meeting. To ensure that this matter does not hold up the assessment of this application, it is proposed to include a condition of consent stating that the loading bay is not to be used until the issues of access in the laneway has been addressed to the satisfaction of the general manager and that in the meantime, all loading and unloading is to occur from the existing loading bay in Wade Avenue.

3.6. Submissions

There were no submissions.

3.7. The Public Interest

The proposal is in the public interest because it provides for improvements to the existing Roxy Theatre.

4. CONCLUSION

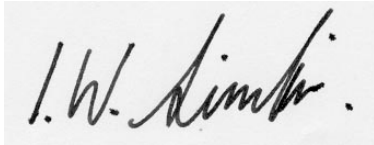
The proposal is for alterations and additions to the Roxy Theatre and the adjacent Sharp's Building to form an upgraded community facility.

The Roxy Theatre is an Item of State Heritage Significance and the Sharp's Building is an item of local heritage significance. A detailed heritage assessment has been undertaken which found that the proposal conserves the heritage significance of both buildings.

The development application was processed in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

Based on the above assessment of the proposal, it is recommended to the Western Region JRPP that the development application for Lot 14 DP 758606 and Lot 46 DP 12628, at 104-118 Pine Street Leeton be approved subject to the conditions listed in Appendix A.

Assessing Officer:



Ian Sinclair

Consultant Town Planner

Approved under delegated authority:

Date: 17 May 2021

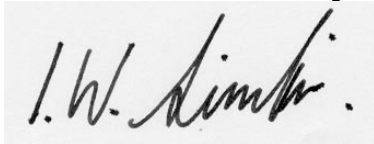


Francois Van Der Berg

Manager Planning, Building & Health

Date: 17 May 2021

I have not identified any conflicts of interest in this process.



Ian Sinclair

Consultant Town Planner

Date: 17 May 2021

APPENDIX A – CONDITIONS

General Conditions

Approved Plans

1. Approval is granted for Change of use to Community Facility, Alterations and Additions to the Roxy Theatre and Sharp's buildings; Advertising Signage and consolidation at Lot 14 Sec 1DP 758606 and Lot 46 DP 1262897, 104-118 Pine Avenue, Leeton to be undertaken generally in accordance with the stamped approved plans, detailed as follows, Statement of Environmental Effects and other approved documentation except where modified in red or by any of the following conditions:

Title/Plan no:	Ref no:	Sheet no:	Drawn by:	Dated:
Statement of Environmental Effects	Lot 14 Sec 1 DP 758606	1-83	Active Planning Consultants	December 2020
Regulatory Compliance Report	078805-06BCA	1-27	McKenzie Group	December 2020
Statement of Heritage Impact	The Roxy Redevelopment Project	1-120	Lucas Stapleton Johnson & Partners Pty Ltd	1 st December 2020
Fire Safety Strategy Report	Report 2019/306 R1.1	1-30	Stephen Grubits & Associates	02/12/2020
Roxy Community Theatre Redevelopment Master Plan	Lot 14 Sec 1 DP 758606	1-44	Roxy Redevelopment Committee on behalf of Leeton Shire Council	August 2020
Conservation Management Plan	Lot 14 Sec 1 DP 758606	1-114 & A1-A26	Lucas Stapleton Johnson & Partners Pty Ltd	July 2020
The Roxy Development Project – Statement of Heritage Impact prepared by Lucas Stapleton Johnson dated	Lot 14 Sec 1DP 758606 and Lot 46 DP 1262897	1-88 and A1-5	Lucas Stapleton Johnson & Partners Pty Ltd	December 2020

1 December 2020				
Historic Archaeological Assessment	Lot 14 Sec 1DP 758606 and Lot 46 DP 1262897	1-30 and A1	OzArk Environment and Heritage	February 2021
Plan of Consolidation	Lot 14 Sec 1DP 758606 and Lot 46 DP 1262897	Sheet 1	Stephen R Emery	27 July 2020
Heritage Impact Location and Materials table	19-009		Williams Boag Architects	23 November 2020
Upper Level Plan – Proposed	19-009	ST1-04	SK	11-11-2020
Summary Architectural Statement	19-009	1-26	Williams Boag Architects	23/11/2020
Lower Level Plan – Existing	19-009	EX02	SK	11-11-2020
Lower Level RCP – Existing	19-009	EX03	SK	11-11-2020
Lower Level Plan – Demolition	19-009	EX04	SK	11-11-2020
Upper level Plan – Existing	19-009	EX05	SK	11-11-2020
Upper Level RCP – Existing	19-009	EX06	SK	11-11-2020
Upper Level Plan – Demolition	19-009	EX07	SK	11-11-2020
Roof Plan – Existing	19-009	EX08	SK	11-11-2020
Roof Plan – Demolition	19-009	EX09	SK	11-11-2020
Elevations – Existing	19-009	EX10	SK	11-11-2020

Elevation Demolition –	19-009	EX11	SK	11-11-2020
Sections Existing –	19-009	EX12	SK	11-11-2020
Sections Demolition –	19-009	EX13	SK	11-11-2020
Elevation Pine Avenue Existing –	19-009	EX14	SK	11-11-2020
Elevation Pine Ave Demolition –	19-009	EX15	SK	11-11-2020
Site Plan Proposed	19-009	ST1-01	SK	11-11-2020
Lower Level Plan – Proposed	19-009	ST1-02	SK	11-11-2020
Lower Level RCP – Proposed	19-009	ST1-03	SK	11-11-2020
Upper Level Plan – Proposed	19-009	ST1-04	SK	11-11-2020
Upper Level RCP – Proposed	19-009	ST1-05	SK	11-11-2020
Roof Plan – Proposed	19-009	ST1-06	SK	11-11-2020
Elevations Proposed –	19-009	ST1-07	SK	11-11-2020
Sections Proposed –	19-009	ST1-08	SK	11-11-2020
Sections Proposed –	19-009	ST1-09	SK	11-11-2020
Sections Proposed –	19-009	ST1-15	SK	11-11-2020
Auditorium: Internal Elevations	19-009	ST1-16	SK	11-11-2020

Auditorium: Internal Elevations	19-009	ST1-17	SK	11-11-2020
Auditorium: Internal Elevations	19-009	ST1-18	SK	11-11-2020
Sections – Existing & Proposed	19-009	SK-05	SK	11-11-2020
Perspective Sections – Proposed	19-009	SK-07	SK	11-11-2020

{Reason: To ensure that the development is undertaken in accordance with that assessed}

2. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

{Reason: Prescribed statutory condition under EP&A Act}

3. The legal point of stormwater discharge for the development site is defined as the existing discharge points into Council's street stormwater drainage system to Pine Avenue, Wade Avenue and Roxy Lane. Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:

- a. All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;
- b. All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented.
- c. Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted.
- d. All overflow from rainwater tanks shall be collected and piped to the legal point of discharge;
- e. Only a single point of discharge from the development site is permitted to the legal point of stormwater discharge.

{Reason: To ensure stormwater is controlled adequately.}

4. Kerb and gutter and any associated roadworks are to be constructed in Roxy Lane for the whole boundary of Lot 45 & Lot 46 DP 1262897 in accordance with outstanding Conditions 6 and 7 of DA 6-2020. The road surface shall be of a suitable bitumen sealed surface in accordance with the approved design. Where adjustments to the road adjacent the existing Roxy Theatre building are required or to be renewed, they shall be to the same standard acceptable to Council's Development Engineer.

{Reason: to ensure outstanding works are completed and construction is to applicable standards.}

5. The developer is responsible for all costs to extend, modify or upgrade all services for the development.
{Reason: the developer is responsible for all the extensions and connections of Council's services required for the development.}
6. Loading and unloading for the development shall be via the existing public Loading Zone in Wade Avenue. No Loading/unloading is to occur in Roxy Lane, as well as the use of the mechanical loading dock, unless a separate approval is sought from Leeton Shire Council, Transport for NSW, NSW Police Service and Local Traffic Committee.
{Reason: to ensure safe and adequate loading facilities are available for use.}
7. No works within Pine Avenue are approved with this development. Where requirements necessitate changes to levels in the public Road Reserve, additional Council approvals are required.
{Reason: to ensure ramps and suitable access is provided within the property boundary.}
8. The hours of operation to be Monday to Saturday: 7am – 12pm and Sunday: 10am – 10pm
{Reason: to protect the amenity of the surrounding land uses.}

Conditions relating to entertainment venues

Nitrate film

9. An entertainment venue must not screen a nitrate film.
{Reason: To ensure compliance with Schedule 3A Environmental Planning and Assessment Act 2000}

Stage management

10. During a stage performance, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.
{Reason: To ensure compliance with Schedule 3A Environmental Planning and Assessment Act 2000}

Proscenium safety curtains

11. If a proscenium safety curtain is installed at an entertainment venue—
 - a. there must be no obstruction to the opening or closing of the safety curtain, and
 - b. the safety curtain must be operable at all times.*{Reason: To ensure compliance with Schedule 3A Environmental Planning and Assessment Act 2000}*

Projection suites

12. When a film is being screened at an entertainment venue, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where the projectors are installed (the projection room) must be in attendance at the entertainment venue.
{Reason: To ensure compliance with Schedule 3A Environmental Planning and Assessment Act 2000}

13. If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia, the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
{Reason: To ensure compliance with Schedule 3A Environmental Planning and Assessment Act 2000}

14. No member of the public is to be present in the projection suite during the screening of a film.
{Reason: To ensure compliance with Schedule 3A Environmental Planning and Assessment Act 2000}

Emergency evacuation plans

15. An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as an entertainment venue.
{Reason: To ensure compliance with Schedule 3A Environmental Planning and Assessment Act 2000}

16. An emergency evacuation plan is a plan that specifies the following—
a. the location of all exits, and fire protection and safety equipment, for any part of the building used as an entertainment venue,
b. the number of any fire safety officers that are to be present during performances,
c. how the audience are to be evacuated from the building in the event of a fire or other emergency.
{Reason: To ensure compliance with Schedule 3A Environmental Planning and Assessment Act 2000}

17. Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.
{Reason: To ensure compliance with Schedule 3A Environmental Planning and Assessment Act 2000}

Prior to the Issue of any Construction Certificate

18. The Applicant must lodge a completed liquid trade waste application with Council and ensure that a valid Liquid Trade Waste Approval is provided to the Principal Certifying Authority in association with the proposed business activities prior to the release of the Construction Certificate. The Applicant must allow in the design for all required liquid trade waste pre-treatment equipment to be installed.
{Reason: To ensure that the proposed development can be appropriately serviced and to comply with Section 68 Part C (4) of the Local Government Act 1993.}

19. Should the proposed disability parking space in Pine Avenue (where an existing Loading Zone space is located) be necessary to meet accessibility requirements under the Building Code of Australia or the Disability Discrimination Act, it shall be approved prior to the issue of any Construction Certificate.

To gain approval, this is required to be tabled at Local Traffic Committee with the positive recommendation going to a Council Meeting for formal approval through a Council Resolution. The proposed disabled parking space is not approved until this occurs.

All works and costs associated with the proposal shall be met by the Developer.

{Reason: to ensure changes to parking are approved and meet legislative requirements.}

Prior to the Issue of any Subdivision Works Certificate

20. Prior to the issue of any Subdivision Works Certificate Engineering Drawings are to be submitted to Council for all infrastructure to be provided for the development. All designs are to meet appropriate design standards such as but not limited to Council's Engineering Guidelines, Austroads Guides, Water Services Association of Australia Codes, Australian Rainfall and Runoff Guidelines and Australian Standards.
{Reason: to ensure safe infrastructure is provided by following appropriate design standards.}

21. Prior to the release of any Subdivision Works Certificate the applicant shall provide evidence to the Certifying Authority that the Long Service Corporation levy has been paid, where works exceed \$25,000, in accordance with the Building and Construction Industry Long Service Payments Act 1986. A cost estimate is to be provided with the application.
{Reason: To comply with the Building and Construction Industry Long Service Payments Act 1986}

22. A Stormwater Management Plan is to be submitted to Council and approved prior to the issue of any Subdivision Works Certificate or Construction Certificate. Drawings showing overland flow routes and piped discharges are to be provided. This is to include all downpipes (including Pine Avenue awning) and discharges from open areas. Any staging of construction is to be included such that it is capable of being stand alone.
{Reason: to enable the responsible disposal of stormwater from the development site}

Prior to Commencement of Works

23. A separate Council approval under Section 138 of the Roads Act 1993 is required prior to any works commencing within the road reserve or Subdivision Works Certificate being issued, including the use of Road Reserve for hoarding or construction activities. An application must be submitted to Council and approved prior to commencement of works.

The Section 138 application is to include:

- a. Detailed construction plans;
- b. Details of the contractors engaged to undertake works within the road reserve. The contractor must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- c. A Traffic Management Plan (TMP) including Traffic Control Plans (TCP) that has been prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-2009 and the RMS current version of the "Traffic Control at Worksites" manual.

{Reason: Compliance with Roads Act 1993 Section 138 for undertaking work on a public road reserve}

During Works

24. Prior to any demolition works commencing on the site, the following are required to be completed and carried out to Council's satisfaction:

- a. The existing metered town water supply service connection(s) is required to be disconnected by Council. Council's Engineering Department shall be contacted on 6953 0911 requesting removal of the disused water service and meter; and
- b. Disconnection of the sewer drainage and capping of Council's sewerage main junction. An inspection by Council's Engineering Department in regard to this condition is required prior to the "capped" sewerage junctions being backfilled.

{Reason: Requirements of Council to protect its Civil Infrastructure Assets}

25. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during demolition works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc.) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the OEH to receive that type of waste.

{Reason: Council requirement to prevent the contamination of the environment}

26. A site rubbish enclosure shall be provided on the site for the period of the proposed demolition works prior to commencement of any such work.

{Reason: Council requirement to prevent environmental damage by wind-blown litter}

27. All waste generated as a result of the proposed demolition shall be disposed of lawfully. A person is taken to have disposed of waste lawfully if he transports the waste to a place that can be lawfully used as a waste facility for that waste. In order to ensure that the place can be so used, the contractor will have to obtain an approved Notice pursuant to Section 63(7) Waste Minimisation and Management Act 1995 (as amended by Waste Minimisation and Management Amendment Act 1998 – Schedule 1) from the owner or occupier of the place to which the waste is to be transported if it is to a place other than the Council's Waste Disposal Facility.

{Reason: Statutory requirement of the Waste Minimisation and Management Act 1995 as amended and to provide for the environmentally sound collection and disposal of solid waste}

28. Vehicles used in the construction of the development are to be managed such that they do not inhibit traffic flow within the road reserve. At no time are construction or delivery vehicles to block the road or private accesses without prior approval of Council through a Section 138 Application under the Roads Act.

{Reason: to ensure traffic effects are minimised.}

29. Testing and inspection of infrastructure will be required during construction. The developer is to liaise with Council's Development Engineer prior to construction for requirements.

{Reason: to ensure constructed infrastructure meets the design and industry standards.}

30. Prior to the commencement of any works within the road reserve, approved Traffic Control Plans are to be implemented. Approved TCP's are to be maintained for the full duration of works.

{Reason: to protect the public where interruptions to normal traffic flow for vehicles and pedestrians are expected.}

31. Any damage to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council to ensure the integrity of public infrastructure. Any damage to Council's infrastructure which is obvious before construction is to be immediately notified to Council to avoid later conflict.

{Reason: To ensure that any damage to Council's property is at the full cost to the developer. Environmental Planning & Assessment Act 1979 Section 4.15 (6) (a)}

32. All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on the site or adjoining land as a result of this development.

{Reason: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands.}

33. The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise are to be managed in accordance with the Office of Environment and Heritage Guidelines.

{Reason: To ensure construction works do not have adverse effects on the amenity of the area.}

Prior to the Issue of any Occupation Certificate

Contributions and Fees

34. In accordance with the Leeton Shire Council Section 94A levy Plan, the applicant shall pay the following section 7.12 monetary contribution:

a. Amount of Contribution \$72,000 (1% of development cost)

b. Timing and Method of Payment

The contribution shall be paid in the form of cash, credit or bank cheque made out to Leeton Shire Council. Evidence of payment to Leeton Shire Council shall be submitted to the Principal Certifying Authority prior to the use of development the release of the occupation certificate.

c. Indexing

The contributions will be adjusted in accordance with the requirements of the Leeton Section 94A Levy Plan.

{Reason: To meet the demands for public services and facilities as a result of the development within the Leeton Shire}

35. Where a Liquid Trade Waste Approval has been required for the site, the applicant is to contact Council to arrange a final liquid trade waste inspection prior to applying for an Occupation Certificate.

Prior to the issue of any Occupation Certificate or Commencement of Business Activities, Council's written consent shall be provided to the Principal Certifying Authority that all Liquid Trade Waste requirements have been satisfied.

{Reason: to ensure the Liquid Trade Waste discharge meets the acceptance criteria outlined in the Liquid Trade Waste Approval.}

36. Prior to the issue of any Occupation Certificate all civil works within the road reserve shall be completed and signed off by Council's Engineering Staff.

{Reason: to ensure works are completed prior to occupation.}

37. An occupation certificate authorising a person to commence a change of use for an existing building or part of an existing building, must not be issued unless a final fire safety certificate has been issued for the building. The Final Fire Safety Certificate must deal with each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates.

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates—

- a. must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner, and
- b. must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

{Reason: To ensure compliance with Clause 171 Environmental Planning and Assessment Regulation 2000}

Prior To The Issue Of Any Subdivision Certificate

38. Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form and a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council. All survey plans are to show connections to at least two (2) survey Co-ordination Permanent Marks.

Four (4) copies of the final plan of subdivision are to be submitted with the application in a protective cardboard tube (to prevent damage during transfer).

{Reason: statutory requirement if the Conveyancing Act 1919 to enable the subdivision plans to be submitted to and registered with Land and Property Information.}

39. Prior to the issue of the Subdivision Certificate works as executed plans are to be submitted to Council certified by an Engineer or Registered Surveyor, together with a statement certifying that all works have been completed in accordance with the Subdivision Works Certificate. The plans are to be provided to Council in both hardcopy and electronic format (Esri Shapefile or AutoCAD DXF, both with different assets separated). Where land is subject to fill this should be reflected on WAE drawings.

The Applicant is also to provide Council with an itemised monetary value of for all infrastructure installed that will be transferred to Council for inclusion in Council's asset management system.

{Reason: To ensure Council receives works as executed plans and value of infrastructure.}

40. Prior to issue of a Subdivision Certificate, the applicant lodge with Council a maintenance bond equivalent to five percent (5%) of the contract price of the subdivision works. Such bond monies will be held for a minimum period of twelve (12) months at which time an assessment will be made as to the extent of outstanding or substandard works. Those works deemed to be outstanding or of a substandard nature at that time by Council, might be repaired by Council at the applicant's expense by drawing on the bond monies held by Council. It is the responsibility of the proponent to apply for refund following the remediation of any defects arising within the 12-month period.

{Reason: to enable Council to make repairs should any defect appear in public assets during the maintenance period}

Ongoing Operations

41. Annual Fire Safety Statements

Each year, the owner of a building to which an essential fire safety measure is applicable must cause the council to be given an annual fire safety statement for the building. An annual fire safety statement for a building—

- a. must deal with each essential fire safety measure in the building premises, and
- b. must be given—
 - i. within 12 months after the date on which an annual fire safety statement was previously given, or
 - ii. if a fire safety certificate has been issued within the previous 12 months, within 12 months after the fire safety certificate was issued, *whichever is the later*.

As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates—

- a. must cause a copy of the statement (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner, and
- b. must cause a further copy of the statement (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

{Reason: To ensure compliance with Clause 177 Environmental Planning and Assessment Regulation 2000}

HERITAGE COUNCIL OF NSW – GENERAL TERMS OF APPROVAL

INTEGRATED DEVELOPMENT APPLICATION

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, the following general terms of approval are granted:

APPROVED DEVELOPMENT

42. Development must be in accordance with:

- a. Architectural Drawings, prepared by William Boag Architects as listed below:

Dwg No	Dwg Title	Date	Rev

Project Name: Roxy Community Theatre			
EX02	Lower Level Plan – Existing	11-11-2020	02
EX03	Lower Level RCP – Existing	11-11-2020	02
EX04	Lower Level Plan – Demolition	11-11-2020	02
EX05	Upper Level Plan – Existing	11-11-2020	02
EX06	Upper Level RCP – Existing	11-11-2020	02
EX07	Upper Level Plan – Demolition	11-11-2020	02
EX08	Roof Plan – Existing	11-11-2020	02
EX09	Roof Plan – Demolition	11-11-2020	02
EX10	Elevations – Existing	11-11-2020	02
EX11	Elevation – Demolition	11-11-2020	02
EX12	Sections – Existing	11-11-2020	02
EX13	Sections – Demolitions	11-11-2020	02
EX14	Elevation Pine Ave – Existing	11-11-2020	02
EX15	Elevation Pine Ave – Demolition	11-11-2020	02
ST1-01	Site Plan – Proposed	11-11-2020	02
ST1-02	Lower Level Plan – Proposed	11-11-2020	02
ST1-03	Lower Level RCP – Proposed	11-11-2020	02
ST1-04	Upper Level Plan – Proposed	11-11-2020	02
ST1-05	Upper Level RCP – Proposed	11-11-2020	02
ST1-06	Roof Plan – Proposed	11-11-2020	02
ST1-07	Elevations – Proposed	11-11-2020	02
ST1-08	Sections – Proposed	11-11-2020	02
ST1-09	Sections – Proposed	11-11-2020	02
ST1-15	Sections – Proposed	11-11-2020	02
ST1-16	Auditorium – Internal Elevations	11-11-2020	02

ST1-17	Auditorium: Internal Elevations	11-11-2020	02
ST1-18	Auditorium: Internal Elevations	11-11-2020	02
SK-05	Sections: Existing & Proposed	11-11-2020	02
SK-07	Perspective Sections – Proposed	11-11-2020	02

- b. Heritage Impact Plans for Roxy Community Theatre Redevelopment, prepared by William Boag Architects as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Roxy Community Theatre			
ST1-02	Lower Level Plan - Proposed	11-11-2020	04
ST1-04	Upper Plan - Proposed	11-11-2020	04

- c. Plan of Consolidation: Lot 14 Section 1 DP 758606 & Lot 46 DP 1262897.
- d. The Roxy Development Project – Statement of Heritage Impact prepared by Lucas Stapleton Johnson dated 1 December 2020.
- e. Roxy Community Theatre Redevelopment – General Heritage Impacts: Preliminary Materials & Finishes, prepared by William Boag Architects dated 23 November 2020.
- f. Roxy Community Theatre Conservation Management Plan, prepared by Lucas Stapleton Johnson, dated July 2020.
- g. Historic Archaeological Assessment – Roxy Redevelopment Project, prepared by OzArk Environment & Heritage, dated February 2021.
- h. Statement of Environmental Effects – Alterations and Additions to the Roxy Community Theatre and Sharp's building, prepared by Active Planning Consultants, dated December 2020.
- i. Roxy Community Theatre Redevelopment Master Plan, prepared by the Roxy Redevelopment Committee, dated August 2020.

EXCEPT AS AMENDED by the following general terms of approval:

DETAILS TO BE SUBMITTED FOR APPROVAL

43. The following information is to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate):
- a. Schedule of Conservation Works for internal and external works, including but not limited to:
 - i. Methodology of removal of later addition elements and making good of surrounding fabric;
 - ii. Making good and repair of any damaged or deteriorating significant fabric;
 - iii. The methodology of removal and relocation of cast iron radiator at ground floor;
 - iv. Refurbishment of external signage;
 - v. Treatment of the internal windows at first floor level.

b. Detailed Drawings and a Material and Finishes Schedule illustrating the following information:

- i. Auditorium - New floorboards, new handrail, treatment of the walls, skirting, timber moulding and the expression of the raked floor line on the wall surface;
- ii. Amendments to the balustrades to make them BCA Compliant;
- iii. Details of the new structural support to roofing and proscenium and the treatment to make it sympathetic to the existing structure while being clearly legible as new fabric;
- iv. Lighting design including locations and fixtures selection;
- v. New proposed seating details including seat type, materials used, fixing details, etc;
- vi. Details of tail gate lift to be installed to loading dock area at rear elevation;
- vii. Location of any new air-conditioning registers located internally within the lower or upper levels of the building.
- viii. Proposed paint colour scheme;
- ix. New proposed doors and window designs including emergency exits;
- x. Proposed new flooring materials;
- xi. Proposed internal signage and way finding measures;
- xii. Plant room screening.

44. The applicant shall provide alternate solutions to avoid the proposed door opening between the auditorium and kitchen on ground floor. If an alternate solution is not possible, the reasons should be discussed in detail to the satisfaction of the Heritage Council or its delegate.

{Reason: The details requested were not supplied during the assessment of the application. The assessment and management of these details is considered essential in order to obtain a good heritage outcome.}

DESIGN

45. Terrazzo Steps at entry foyer area (Heritage Impact Area 'A') shall be retained and conserved.

46. Opening height between Roxy West wall and Sharp's Building (Heritage Impact Area 'B') shall be limited to 2.7m.

47. Height of openings at north and south wall (Heritage Impact Area 'E') shall be limited to 2.1m.

48. Height of opening within western wall (Heritage Impact Area 'J' on ground floor and Heritage Impact Area 'EE' on first floor) shall be limited to 2.1m.

49. New floorboards for the auditorium floor and the raised platform shall match the timber and width as existing.

50. No structural elements from the roof shall be removed or replaced during the replacement of roof sheeting with new corrugated galvanised iron roof unless damaged beyond repair in the opinion of the nominated heritage consultant.

51. All proposed exposed brick masonry shall match the existing. No unpainted brick masonry surfaces shall be painted.

{Reason: To ensure that impacts to significant fabric are minimised.}

SERVICES

52. The reticulation of services including fittings shall be carried out in such a manner that there is no physical impact on significant fabric. There shall be no chasing of significant walls and instead surface mounted cabling/conduits shall be used, and fixings shall be minimised. Existing service points shall be used, where possible.
53. There shall be no major fixings into significant walls, for e.g. steel brackets, and proposed fittings and built-ins shall preferably be free standing to avoid any physical impact on significant fabric.

{Reason: To ensure that impacts to significant fabric due to the installation of new services is minimised.}

HERITAGE CONSULTANT

54. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

{Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.}

SPECIALIST TRADESPERSONS

55. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

{Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.}

SITE PROTECTION

56. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

{Reason: To ensure significant fabric including vegetation is protected during construction.}

HERITAGE INTERPRETATION PLAN

57. An interpretation plan must be prepared in accordance with the Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of a construction Certificate.
58. The interpretation plan must detail how information on the history and significance of name of item will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types,

locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.

59. The approved interpretation plan must be implemented prior to the issue of an Occupation Certificate.

{Reason: Interpretation is an important part of every proposal for works at heritage places.}

PHOTOGRAPHIC ARCHIVAL RECORDING

60. A photographic archival recording must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW, Department of Premier and Cabinet.

{Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.}

HISTORICAL ARCHAEOLOGY

61. The Applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

{Reason: This is a standard condition to identify to the applicant how to proceed if historical relics are unexpectedly identified during works.}

ABORIGINAL OBJECTS

62. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

{Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.}

COMPLIANCE

63. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

{Reason: To ensure that the proposed works are completed as approved.}

SECTION 60 APPLICATION

64. An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

{Reason: To meet legislative requirements.}

Advice

Section 148 of the Heritage Act 1977 (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.